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09/731,212

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05/04/2004

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EXAMINER

YUN, JURIE


ART UNIT

PAPER NUMBER

2882

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                     |   |
|------------------------------|--------------------------------------|-------------------------------------|---|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/731,212 | <b>Applicant(s)</b><br>SPIRO ET AL. |   |
|                              | <b>Examiner</b><br>Jurie Yun         | <b>Art Unit</b><br>2882             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 14-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 8, 16, 17 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-12, 14, 15, 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. The amendment filed 4/9/04 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardwell, Jr. (USPN 3,746,906) in view of Ferenc (USPN 4,866,329).
4. With respect to claims 1 and 2, Cardwell, Jr. discloses a high brightness lamp comprising: a concave reflector (12); an end cap (41) connected with a neck of the reflector, the end cap having a fitting for mounting the lamp to an electric socket, whereby the lamp is supported from a ceiling; a light source (23) positioned within the reflector, with its major axis perpendicular to an axis of the lamp passing through the end cap; a lens (13) which covers an open end of the reflector. Cardwell, Jr. discloses all the elements of the lamp but is silent as to the beam angle. Ferenc discloses a high brightness lamp which emits light with a beam angle which is at least 45 degrees. The lamp disclosed by Ferenc is a "wide angle warning light", which would have a beam angle of at least 45 degrees and up to 180 degrees. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Cardwell, Jr. lamp emit light at a beam angle of at least 45 degrees, as exemplified by Ferenc, if a wide beam angle is desired.

5. With respect to claim 3, Cardwell, Jr. discloses the lamp has a narrow profile, the reflector having a diameter which is about twice a height of the reflector and lens combined (see Fig. 1).

6. With respect to claims 4 and 5, Cardwell, Jr. and Ferenc disclose the lamp has a narrow profile, but do not specifically disclose the reflector has a ratio of diameter to length along the axis which is from about 2.5:1 to about 3.5:1, or about 3:1. However, this is a design choice to calculate by experimentation the ratios of the reflector diameter to length to determine which values provide the best light conditions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Cardwell, Jr./Ferenc lamp reflector have a ratio of diameter to length along the axis which is from about 2.5:1 to about 3.5:1, or about 3:1, to provide for maximum brightness.

7. With respect to claim 6, Cardwell, Jr. does not disclose the lens includes a plurality of lenticules which spread the beam. Ferenc discloses the lens (34) includes a plurality of lenticules (44) which spread the beam (column 3, lines 4-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of lenticules which spread the beam, in the Cardwell, Jr. lamp lens, if a wide beam angle is desired.

8. With respect to claim 9, Cardwell, Jr. does not disclose the light source is a tungsten halogen tube. Ferenc discloses the light source is a tungsten halogen tube (column 2, line 51). It would have been obvious to one of ordinary skill in the art at the

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time the invention was made to use a tungsten halogen tube instead of the filament used by Cardwell, Jr., as this is a functionally equivalent light source.

9. With respect to claim 10, Ferenc does not disclose the light source is a double ended quartz tungsten halogen tube. Ferenc discloses a halogen tube (column 2, lines 50-51). However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Cardwell, Jr./Ferenc lamp and have the light source be a double ended quartz tungsten halogen tube. These are functional equivalents.

10. Claims 11, 12, 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardwell, Jr. (USPN 3,746,906) in view of Ferenc (USPN 4,866,329), and further in view of McBride, Jr. et al. (USPN 6,034,473).

11. With respect to claim 11, Cardwell, Jr. in view of Ferenc disclose all the elements, as evidenced in the claim 1 rejection given above, except that the light source is positioned between a focal point of the reflector and the lens. McBride, Jr. et al. disclose the light source is positioned between a focal point of the reflector and the lens (column 2, lines 25-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Cardwell, Jr. in view of Ferenc lamp and have the light source positioned between a focal point of the reflector and the lens, as taught by McBride, Jr. et al., to provide a greater light output than is achievable by positioning the light source at the focal point of the reflector (Abstract).

12. With respect to claims 12 and 14, Cardwell, Jr. in view of Ferenc disclose all the elements, as evidenced in the claim 1 and claim 4 rejections given above, except for

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positioning the light source of the lamp between the focal point of the reflector and the lens. McBride, Jr. et al. disclose the light source is positioned between a focal point of the reflector and the lens (column 2, lines 25-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Cardwell, Jr. in view of Ferenc lamp and have the light source positioned between a focal point of the reflector and the lens, as taught by McBride, Jr. et al., to provide a greater light output than is achievable by positioning the light source at the focal point of the reflector (Abstract).

13. With respect to claim 15, Cardwell, Jr. does not disclose the lens includes a plurality of lenticules for spreading the beam. Ferenc discloses the lens (34) includes a plurality of lenticules (44) for spreading the beam (column 3, lines 4-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of lenticules for spreading the beam in the Cardwell, Jr. lamp lens, if a wide beam angle is desired.

14. With respect to claim 18, Cardwell, Jr. does not disclose the light source is a tungsten halogen lamp. Ferenc discloses the light source is a tungsten halogen lamp (column 2, line 51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a tungsten halogen lamp instead of the filament used by Cardwell, Jr., as this is a functionally equivalent light source.

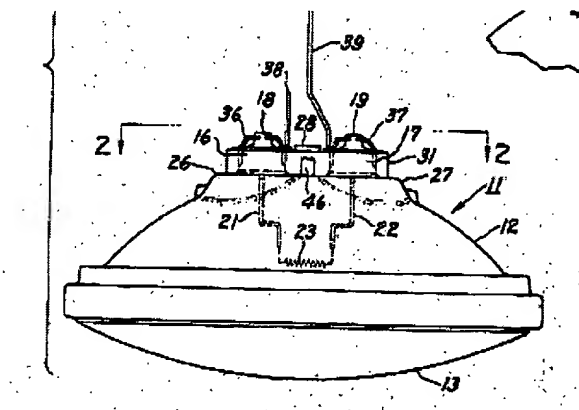
***Allowable Subject Matter***

15. Claims 7, 8, 16, 17, and 20 are allowed for the reasons cited in the previous office action.

### ***Response to Arguments***

16. Applicant's arguments filed 4/9/04 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., even light pattern and even light distribution and even beam pattern) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

17. Applicants believe the Ferenc lens would not be acceptable in the Cardwell, Jr. lamp. However, Cardwell, Jr. discloses all the elements of claim 1 except the beam angle of the emitted light. Ferenc was only relied upon as a teaching that lamps which emit light with a beam angle which is at least 45 degrees is not novel. In fact, it is obvious that the Cardwell, Jr. lamp emits light at a beam angle which is at least 45 degrees, based on the basic principles of optics. Fig. 1 is shown below:



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Based on the location of the filament (23) with respect to the reflector (12) and the glass cover (13), it is obvious that the light would be emitted at a beam angle of 45 degrees and even greater. Thus, the rejection is maintained.

Applicants believe the McBride Jr. et al. reference relied upon for claim 11 teaches away from the present invention in that the placement of the light source between the focal point of the reflector and the lens would result in a spotlight, with lower side illumination. McBride Jr. et al. teach that this arrangement in a parabolic reflector would result in greater light output than is achievable by positioning the light source at the focal point of the reflector. McBride Jr. et al. do not disclose this positioning would only be beneficial for a theatrical spotlight. And, it is obvious to one of ordinary skill that this teaching of achieving greater light output by the specific placement of the light source with respect to the focal point and the lens could be applied to any situation where greater light output is desired.

### ***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jurie Yun whose telephone number is 571 272-2497.

The examiner can normally be reached on Monday-Friday 8:30-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Jurie Yun  
April 21, 2004

  
EDWARD J. GLICK  
SUPERVISORY PATENT EXAMINER